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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/847,170

05/03/2001

John M. Belcea

1710.23

2556

24273

7590

04/04/2006

MOTOROLA, INC  
INTELLECTUAL PROPERTY SECTION  
LAW DEPT  
8000 WEST SUNRISE BLVD  
FT LAUDERDAL, FL 33322

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

4

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/847,170	BELCEA, JOHN M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phirin Sam	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

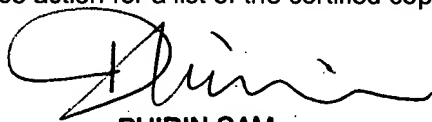
### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**PHIRIN SAM  
PRIMARY EXAMINER**

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 51 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,396,814 (hereinafter referred as "Iwamura").

Iwamura discloses the invention (**claim 51**) as claimed including, in an ad-hoc, peer-to-peer radio system (see col. 18, lines 1-4) comprising a series of radio terminals (see Figs. 3A and 6, col. 17, lines 39-40, 61-67), each said radio terminal comprising transceiver means for transmitting and receiving signals from other like terminals of the series of terminals (see Fig. 8, elements 101 and 110, col. 18, lines 14-16, col. 19, lines 7-11), computer means and memory means for storing program software means therein (see Fig. 8, elements 102 and 103, and 106, col. 18, lines 16-43, 56-59), the radio system based on time-dependent messaging having multiple parallel data channels and a control channel, the improvement comprising:

- (a) the memory means of each radio terminal storing registration information about an other radio terminal which serves as a node therefor through which it has been registered for forming a call-connection routing path (see Figs. 3a and 8, 10, elements 103 and 106, col. 15, lines 9-15, col. 18, lines 39-43, 56-59, and col. 19, lines 24-32);

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(b) the memory means of each radio-terminal also storing registration information about any other radio terminal for which it serves as a node therefor through which any other radio terminal has been registered (see Figs. 8 and 10, elements 103 and 106, col. 18, lines 33-43, 56-59, and col. 19, lines 24-32).

**Regarding amended claim 52**, Iwamura discloses, in an ad-hoc, peer-to-peer radio system (see col. 18, lines 1-4) comprising a series of radio terminals (see Figs. 3A and 6, col. 17, lines 39-40, 61-67), each said radio terminal comprising transceiver means for transmitting and receiving signals from other like terminals of the series of terminals (see Fig. 8, elements 101 and 110, col. 18, lines 14-16, col. 19, lines 7-11), computer means and memory means for storing program software means therein (see Fig. 8, elements 102 and 103, and 106, col. 18, lines 16-43, 56-59), the radio system based on time-dependent messaging having multiple parallel data channels and a control channel, the improvement comprising:

(a) the memory means of each radio terminal storing registration information about an other radio terminal which serves as a node therefor through which it has been registered for forming a call-connection routing path (see Figs. 3a and 8, 10, elements 103 and 106, col. 15, lines 9-15, col. 18, lines 39-43, 56-59, and col. 19, lines 24-32);

(b) the memory means of each radio-terminal also storing registration information about any other radio terminal for which it serves as a node therefor through which any other radio terminal has been registered (see Figs. 8 and 10, elements 103 and 106, col. 18, lines 33-43, 56-59, and col. 19, lines 24-32);

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(c) wherein the software means comprises updating means for updating the memory means, the updating means changing the registration information in order to reflect any changes in the nodes (see Fig. 23, col. 23, lines 44-67, col. 24, lines 1-2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,396,814 (hereinafter referred as "Iwamura") in view of US Patent 6,643,650 (hereinafter referred as "Slaughter").

**Regarding amended claim 53,** Iwamura discloses all limitations. On the other hand, Iwamura does not disclose means for unregistering another radio terminal, which had been registered with it. However, Slaughter discloses means for unregistering another radio terminal, which had been registered with it (see Figs. 46a, 46b, and 47, col. 48, lines 66-67, col. 49, lines 1-14). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine means for unregistering another radio terminal, which had been registered with it teaching by Slaughter with Iwamura. The motivation for doing so would have been to provide to modify an existing advertisement read on column 8, line 20. Therefore, it would have been obvious to combine Slaughter and Iwamura to obtain the invention as specified in claim 53.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 6,771,609 (Gudat et al) discloses method and apparatus for dynamically updating representation of a work site and a propagation model.

(2) US Patent 6,625,135 (Johnson et al) discloses method and apparatus for incorporating environmental information for mobile communications.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: March 31, 2006



**PHIRIN SAM  
PRIMARY EXAMINER**